

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**LARRY THOMAS, et al.,**

**Plaintiffs,**

**vs.**

**BANK OF NEW YORK MELLON et. al,**

**Defendants.**

§  
§  
§  
§  
§  
§  
§

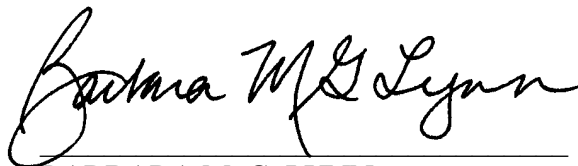
**Civil Action No. 3:12-CV-4941-M-BH**

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Since Plaintiffs have timely filed an amended complaint as allowed by the recommendation, *Defendants' Rule 12(B)(6) Motion to Dismiss Plaintiffs' Original Petition*, filed December 31, 2012 (doc. 13), is **DENIED as moot**. This action will now proceed on the amended complaint.

**SIGNED** this 20<sup>th</sup> day of August, 2013.



BARBARA M. G. LYNN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS